

IN THE SENATE OF THE UNITED STATES.

DECEMBER 11, 1890.—Ordered to be printed.

Mr. DAVIS, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 3826.]

It appears by sufficient evidence that Henry Unterleiter, whose assumed name was Henry Cook or Koch, was at the time of his enlistment an orphan boy between fifteen and sixteen years of age, and was under the guardianship of one Kipp.

He enlisted as a private in Company B, Fifty-second New York Infantry Volunteers, in 1861, without the knowledge or consent of his guardian or of his friends, under the assumed name of Henry Cook or Koch, and served with his regiment up to the date of the battle of Gettysburgh, except for about ten months when he was on detached service with a battery.

The boy fought at Fair Oaks, White Oaks Swamp, Malvern Hill, Antietam, Fredericksburgh, and Gettysburgh, in which battle he was severely wounded in the right leg, and was sent to the hospital at Bedloe's Island. After his discharge from the hospital he went to his brother's and sister's home in New York City, and in 1864 was still suffering there from the wound in his leg. He was prevented from returning to his regiment by the influence of his brother and sister and guardian although he was anxious to do so. The guardian threatened that if he attempted to return he would arrest and confine him in the house of refuge. Unterleiter applied to the War Department to have the charge of desertion removed. The application was denied December 21, 1889, upon the ground that the case was not covered by existing law.

All the papers submitted to your committee show that this claimant when a mere boy fought with conspicuous gallantry in many battles and was wounded in the service of his country, although he was not of an age which entitled his country to demand his services.

It is the opinion of the committee that the charge of desertion against him, which resulted from the facts above stated, should be removed, and the passage of the bill is recommended, with the following amendments: Insert the words "or Koch" after the word "Cook," in the body of the bill, and the words "alias Cook or Koch" after the word "Unterleiter" in the title.